

**IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION**

REVISED RULE 16 (b) SCHEDULING ORDER

Pursuant to the scheduling conference set by written notice, the following dates are established as the final dates for:

COMPLETING ALL DISCOVERY: July 1, 2010

**(a) REQUESTS FOR PRODUCTION, INTERROGATORIES
and REQUESTS FOR ADMISSIONS: July 1, 2010**

(b) EXPERT DISCLOSURE (RULE 26(a)(2)):

- (i) Plaintiff's Experts: May 1, 2010
 - (ii) Defendant's Experts: June 1, 2010
 - (iii) Supplementation under Rule 26(e)(2): 10 days after Defendant's disclosure.

(c) DEPOSITIONS OF EXPERTS: Same as discovery deadline unless a later date is authorized by the Court due to special circumstances.

FILING DISPOSITIVE MOTIONS: August 1, 2010

FINAL LIST OF WITNESSES AND EXHIBITS (Rule 26(a)(3)):

- (a) for Plaintiff: 45 days before trial
 - (b) for Defendant: 30 days before trial

Parties shall have 14 days after service of final lists of witnesses and exhibits to file objections under Rule 26 (a)(3).

The trial of this matter is expected to last 5-7 days. The presiding judge will set this matter for **JURY TRIAL**. In the event the parties are unable to agree on a joint pretrial order, the parties must notify the court at least ten days before trial.

OTHER RELEVANT MATTERS:

Interrogatories, Requests for Production and Requests for Admissions must be submitted to the opposing party in sufficient time for the opposing party to respond by the deadline for completion of discovery. For example, if the FRCP allow 30 days for a party to respond, then the discovery must be submitted at least 30 days prior to the deadline for completion of discovery.

Motions to compel discovery are to be filed and served by the discovery deadline or within 30 days of the default or service of the response, answer, or objection which is the subject of the motion if the default occurs within 30 days of the discovery deadline, unless the time for filing of such motion is extended for good cause shown, or any objection to the default, response, or answer shall be waived.

The parties are reminded that pursuant to Local Rule 7(a)(1)(A) and (a)(1)(B), all motions, except motions pursuant to FRCP 12, 56, 59, and 60, shall be accompanied by a proposed Order and a Certificate of Consultation.

The opposing party may file a response to any motion filed in this matter. Neither party may file an additional reply, however, without leave of the court. If a party believes that a reply is necessary, it shall file a motion for leave to file a reply accompanied by a memorandum setting forth the reasons for which a reply is required. However, pursuant to Fed. R. Civ. P. 56(c)(1)(C), a party moving for summary judgment may file a reply, without seeking leave, within 14 days after being served with the response in opposition to the motion.

The parties are ordered to engage in court-annexed attorney mediation or private mediation on or before the close of discovery. Within eleven (11) days after the close of discovery or the date on which mediation occurs, whichever is earlier, the parties are directed to provide to the Court a status report containing when the mediation occurred and with whom and, if unsuccessful, whether additional efforts might be beneficial. If no mediation has been undertaken on or before the close of discovery, the parties are to report the date on which it is scheduled or the reason for its nonoccurrence.

This order has been entered after consultation with trial counsel pursuant to notice. Absent good cause shown, the scheduling dates set by this Order will not be modified or extended.

IT IS SO ORDERED.

s/Edward G. Bryant
EDWARD G. BRYANT
UNITED STATES MAGISTRATE JUDGE

Date: April 21, 2010